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Attorney Docket No. 018881.0119

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Patent Application of:

David J. FARRAR

Examiner: Julian W. WOOD

Application No.: 09/604,114

Group Art Unit: 3731

Filed: June 26, 2000

Patent No. 6,821,295

Confirmation No.: 3775

Issued: November 23, 2004

Title: FLARED CORONARY ARTERIAL
BYPASS GRAFTS

BOX MAINTENANCE FEE

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

**REQUEST FOR CORRECTION OF STATUS AS LARGE ENTITY AND ACCEPTANCE OF
MAINTENANCE FEE PAYMENT DEFICIENCY**

Pursuant to 37 C.F.R. 1.28(c) and MPEP 509.03(X), the Commissioner is hereby notified of a loss of entitlement to small entity status since at least May 14, 2003. Nevertheless, on May 23, 2008, Patentee paid the 4th year Maintenance Fee calculated for a small entity, in error. This error was made through inadvertence and without deceptive intent. Consequently, since May 23, 2008, the following Maintenance Fee has been paid incorrectly at the small entity rate:

Fee Paid	Amount Paid	Amount Due	Deficiency	Total Deficiency
4th Year Maintenance Fee Paid on 5/23/08	\$465	\$980	\$515	\$515

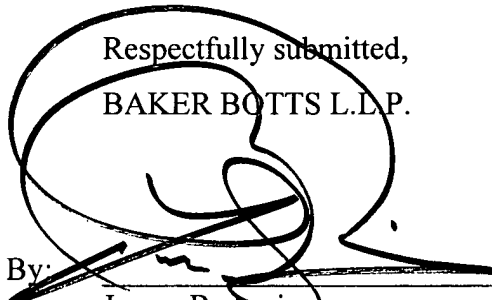
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Explanation:

1. On June 26, 2000, Applicant filed the above-captioned patent application, including a Verified Statement Claiming Small Entity Status - Small Business Concern, executed by an authorized official of Thoratec Laboratories Corporation, the owner of all right title and interest in the application.
2. On September 29, 2000, Applicant recorded an Assignment executed on June 24, 2000, assigning all right title and interest in the application to Thoratec Laboratories Corporation, with the U.S. Patent and Trademark Office ("PTO").
3. The Assignment filed September 29, 2000, was recorded at Reel 011188, Frame 0293.
4. On February 13, 2001, the Assignee filed a Certificate of Amendment of the Amended and Restated Articles of Incorporation of Thoratec Laboratories Corporation with the Secretary of State of the State of California, in which Assignee changed its name to Thoratec Corporation.
5. On August 8, 2001, Applicant recorded the Certificate of Amendment of the Amended and Restated Articles of Incorporation of Thoratec Laboratories Corporation, changing Assignee's name to Thoratec Corporation with the PTO.
6. The Certificate of Amendment of the Amended and Restated Articles of Incorporation of Thoratec Laboratories Corporation filed August 8, 2001, was recorded at Reel 0012056, Frame 0307.
7. On or before May 14, 2003, Assignee ceased to be entitled to claim small entity status.
8. On May 14, 2003, Applicant filed a Request for Continued Examination and a Request for a One-Month Extension of Time to Respond and paid the requisite fees calculated as a large entity. In the Fee Transmittal accompanying this filing, Applicant indicated that the fees were calculated for a large entity.
9. During the remainder of the prosecution of this application, Applicant paid subsequent fees, including the Issue Fee, calculated for a large entity.
10. On March 14, 2008, Patentee instructed Patentee's representative to pay the Maintenance Fee calculated for a large entity, and Patentee's representative subsequently instructed its maintenance fee payment service to pay the 4th year Maintenance Fee, calculated for a large entity.
11. On May 23, 2008, the 4th year Maintenance Fee was paid calculated for a small entity, in error.

12. On November 20, 2009, Mr. Arthur Au, Intellectual Property Counsel for Thoratec Corporation, informed Patentee's Representative of the underpayment of the 4th year Maintenance Fee in the above-captioned patent.

Patentee respectfully requests that the PTO charge the undersigned's **Deposit Account No. 02-0375** for the amount of \$515.00 for the **total** deficiency of paying the 4th year Maintenance Fee calculated for a small entity in the above-captioned patent. In the event of any variance between the amount determined by Applicant and the fees determined by the PTO, please charge or credit such variance to the undersigned's **Deposit Account No. 02-0375**. Pursuant to 37 C.F.R. § 1.28(d), the payment of this deficiency operates as notification of the loss of small entity status.

Respectfully submitted,
BAKER BOTTS L.L.P.

By: _____
James B. Arpin
Registration No. 33,470

Date: January 20, 2010

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